

EXHIBIT 33

Confidential



Transcript of Tameka Ramsey Brown

Wednesday, May 25, 2022

National Coalition on Black Civic Participation, et al. v. Jacob Wohl, et al.

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Reference Number: 116899

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 -----
4 NATIONAL COALITION ON BLACK CIVIC PARTICIPATION,
5 MARY WINTER, GENE STEINBERG, NANCY HART, SARAH
6 WOLFF, KAREN SLAVEN, KATE KENNEDY, EDA DANIEL and
ANDREA SFERES,

7 Plaintiffs,

8 -and-
9

10 People of the STATE OF NEW YORK, by its Attorney
11 General, LETITIA JAMES, ATTORNEY GENERAL OF THE
STATE OF NEW YORK

12 -vs-

13 JACOB WOHL, JACK BURKMAN, J.M. BURKMAN & ASSOCIATES,
14 LLC, PROJECT 1599, MESSAGE COMMUNICATIONS, INC.,
ROBERT MAHANIAN and JOHN and JANE DOES 1-10

15 Defendants.
16 -----

17 CONFIDENTIAL

18 Deposition of TAMEKA RAMSEY BROWN, Plaintiff,
19 herein, taken by Defendant, pursuant to Notice via
20 Zoom, on Wednesday, May 25, 2022, at 10:00 a.m.,
21 before Deirdre Smith, a stenographer and notary
22 public within and for the State of New York.
23
24
25

1 A P P E A R A N C E S

2

3 ORRICK HERRINGTON & SUTCLIFFE, LLP

4 51 West 52nd Street

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6 Appearing on behalf of the Plaintiff

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10 BY: BRITTANY ROEHRS, ESQ.

11

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14 GERSTMAN SCHWARTZ LLP

15 Appearing on behalf of the Defendant

16 60 E. 42nd Street, Suite 4700 Office 21

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20 BY: RANDY KLEINMAN, ESQ.

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1 A P P E A R A N C E S (continued)

2

3 LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

4 Appearing on behalf of Plaintiff

5 1500 K Street NW

6 Suite 900

7 Washington, DC 20005

8 BY: MARC EPSTEIN, ESQ.

9

10

11

12 STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL

13 Appearing on behalf of Plaintiff

14 28 Liberty Street

15 Floor 18, New York, NY 10005-1495

16 Phone: (212) 416-6046

17 BY: COLLEEN FERITY, ESQ.

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1 eighty thousand dollars in 2020?

2 A. Yes.

3 Q. Just to be clear, did the Michigan
4 coalition in 2020 have any other source of funding
5 aside from what we've already discussed?

6 A. Not to my knowledge.

7 Q. In 2020 what did the Michigan coalition
8 spend its money on?

9 MR. EPSTEIN: Objection.

10 A. Buying materials for mutual aid events and
11 paying phone bankers and text bankers.

12 Q. When you say, materials for mutual aid,
13 what exactly does that mean?

14 A. Purchasing tissues, household cleaning
15 supplies, toilet paper, toothpaste, food.

16 Q. And were those items that were donated to
17 the community?

18 A. Yes.

19 Q. And in regard to the phone and text
20 bankers, what was the function of these individuals
21 in 2020?

22 A. They did most of the year on census.
23 Calling, talking to people around the census and
24 then in October -- in September, they started to do,
25 reminding people to vote calls and text messaging.

1 Q. I'm happy to leave a space.

2 MR. KLEINMAN: By the way Mark we call for
3 the 2020 fiscal records of Engage Michigan.

4 MR. EPSTEIN: I'm sure you will put that
5 in writing.

6 MR. KLEINMAN: Absolutely.

7 Q. Okay. As lead convener of the Michigan
8 coalition what exactly are your duties and
9 responsibilities?

10 A. Being responsible for understanding what
11 our goals are from the National coalition, and
12 bringing them and executing programs in the State of
13 Michigan.

14 Q. And in 2020 what were your goals?

15 A. To make sure that all Black people in our
16 respective states were counted for census and to
17 make sure that people voted in the November
18 election.

19 Q. And this objective was handed down from
20 the National coalition?

21 A. Yes.

22 Q. And who specifically handed down those
23 objectives?

24 A. We usually had a retreat and talked about
25 these things and they were agreed upon by the

1 if they received the call or if she knew anybody who
2 had received the call.

3 Q. And what was her response?

4 A. That she was aware of a person who had
5 received the call.

6 Q. Do you know who that person was?

7 A. No.

8 Q. What happened next?

9 A. So, I asked her on behalf of the Michigan
10 coalition if she would be willing to do some phone
11 banking in the City of Detroit to talk to people
12 about this, about this robocall.

13 Q. What did she say?

14 A. Yes.

15 Q. And when you say, phone banking, what
16 exactly is it that you had intended?

17 A. So, Ms. Gary was already running a census
18 phone, calling people in the Detroit community to
19 make sure they were completing their census form,
20 and I asked her if she could redesignate some of the
21 people making those call to make this call regarding
22 the robocall.

23 Q. Did she agree to do that?

24 A. Yes.

25 Q. And that was just in the Detroit area?

1 A. Yes.

2 Q. And those phone banks in the Detroit area,
3 is it fair to say they received funding from the
4 Michigan coalition?

5 A. Yes.

6 Q. Did the Michigan coalition allocate funds
7 to any other area of Michigan as a result of the
8 calls?

9 A. No.

10 Q. So, the entirety of the Michigan
11 coalition's allocation of funds stemming from the
12 robocall was focused in Detroit?

13 A. For that time period. Because of the
14 robocalls we changed our script for the entire state
15 to include this when we started making calls for
16 GOTV in November.

17 Q. So, what was the approximate date that you
18 changed the script?

19 A. I don't recall. We wrote a script
20 specifically for these robocalls, and then when we
21 went to do GOTV in September we just wrote up that
22 script into our other phone banks across the state.

23 Q. I understand. Do you have a copy of this
24 script?

25 A. My attorney does.

1 MR. KLEINMAN: We will call for a copy of
2 that. I'll followup in writing.

3 Q. So, do you recall the date you solicited,
4 the approximate date you solicited Detroit phone
5 bankers to start making these calls stemming from
6 the robocall in August?

7 A. I don't know.

8 MR. EPSTEIN: Objection.

9 A. I don't know the specific date. I know it
10 was the date that the robocalls were made.

11 Q. Okay. So, the calls in the Detroit area
12 that you commissioned, those followed the date of
13 the robocall, correct?

14 A. Yes.

15 Q. So, if I told you the robocall was made on
16 August 26, 2020, is it fair to say that the calls
17 you commissioned in Detroit were after that date?

18 A. Yes.

19 Q. And then did those calls continue through
20 and including November? Is that fair?

21 A. Can you please repeat that?

22 Q. The calls commissioned to Detroit with the
23 new script, those calls continued through and
24 including November of 2020?

25 A. Yes.

1 A. No.

2 Q. Did the August 26, 2020 robocall change
3 the Michigan Coalition's overall budget?

4 A. No.

5 Q. Did the -- I'm just going to say the
6 August 2020 robocall. So, did the August 2020
7 robocall change the allocation of the Michigan
8 coalition's overall budget?

9 A. Yes.

10 Q. How so?

11 A. When I called Ms. Gary to see if she could
12 reallocate some of her team to make the robocalls we
13 knew that we needed to write the script, we needed
14 to get the tools together for them to be able to
15 make these calls and transition them from census to
16 talking about absentee ballots.

17 Q. How much did that change the overall
18 allocation of the budget?

19 A. How much?

20 Q. Approximately?

21 A. I would say between, I want to say about
22 ten thousand, maybe twenty thousand dollars.

23 Q. And how did it change the overall budget
24 ten to twenty thousand dollars?

25 A. So, myself and Ms. Gary had to reallocate

1 our time to focus on the robocall, create the
2 script, figure out who we should be talking to. It
3 was a little difficult with the script creation
4 because we didn't want to respread what we thought
5 was a lie, so we had to write a script that did not
6 address what was said, we had to make sure we had
7 the tools and technology in order to do that. I had
8 to speak with Melanie Campbell to make her aware of
9 what was going on and to make sure we could do this
10 work in the name of the Michigan coalition.

11 Q. You mentioned the tools and technology.
12 What tools and technology specifically are you
13 referring to?

14 A. I believe her team was using, ThruTalk,
15 which is an automated dialer.

16 Q. So, this ten to twenty thousand dollars
17 that you reference, was that money that you had to
18 spend out-of-pocket or is that your estimate of how
19 much, the time you allocated on addressing the
20 robocall in August?

21 A. So, it includes time, it also includes the
22 reallocation of the ThruTalk tools, and the paid
23 time of the staff who went from census calling to
24 absentee ballot calling.

25 Q. Those callers who went from census to Get

1 some choice words?

2 A. We were frustrated.

3 Q. Did you speak to Ms. Watson-Whittaker's
4 son about the robocall he received?

5 A. I don't know if it was her son. I know it
6 was her godchild. I did not speak with them
7 directly.

8 Q. Did Ms. Watson-Whittaker indicate how her
9 adult child felt about receiving the call?

10 A. Yes.

11 Q. What did she indicate?

12 A. That there was an attack on Black men in
13 the City of Detroit.

14 Q. You said on Black men?

15 A. Yes.

16 Q. Do you know why her adult child believed
17 it was an assault on Black men in particular?

18 A. No.

19 Q. Okay. Did you ask?

20 A. No.

21 Q. Okay. Do you know why Ms.
22 Watson-Whittaker's child is not a Plaintiff in this
23 lawsuit?

24 A. No.

25 Q. What, if anything, do you know about the

1 Q. Your understanding is that they took
2 responsibility for something?

3 A. Yes.

4 Q. Do you have an opinion on the corrective
5 robocall?

6 A. I haven't heard it.

7 Q. Do you know anyone that received the
8 corrective robocall?

9 A. No.

10 MR. KLEINMAN: I'm going to put something
11 on the screen just briefly.

12 (Whereupon, Defendants' Exhibit
13 Z, being a 990 document, is
14 marked for identification.)

15 MR. KLEINMAN: So, this is Defendants'
16 Exhibit Z. So, I'll tell you this is the 2019
17 form 990 for the National Coalition.

18 Q. Is it fair to say that you are not
19 qualified to testify about this document?

20 A. That is true.

21 Q. Okay. Do you believe that the robocall
22 was targeted toward a particular group of people?

23 A. Yes.

24 Q. Okay. What group of people do you believe
25 it was targeted to?

1 A. Minorities in the city of Detroit.

2 Q. Besides what you already testified to,
3 because you've certainly provided some of your
4 opinions, what else, if anything, leads you to that
5 conclusion?

6 A. First of all, the name of the person
7 making the call is Tameka Taylor. I actually know a
8 Tameka Taylor. I do not know any Tamekas that are
9 not Black. Part of her message was something
10 referring to, The Man, which is outdated lingo that
11 Black people used to use regarding White people or
12 governmental entities.

13 Q. Anything else?

14 A. The fact that the calls were targeted to
15 the City of Detroit.

16 Q. And the fact that it was targeted to
17 Detroit leads you to the conclusion that it was
18 targeted toward minorities; is that fair to say?

19 MR. EPSTEIN: Objection.

20 A. Yes.

21 Q. Is the majority of the Detroit contingent
22 minorities?

23 A. I believe so.

24 MR. EPSTEIN: Objection.

25 Q. Okay. Do you have any idea what

C E R T I F I C A T I O N

THIS IS TO CERTIFY, THAT I, DEIRDRE M. SMITH,
on Wednesday, May 25th of 2022, reported the
proceedings contained in the foregoing 108 pages at
the time and place as set forth in the heading in
the foregoing matter. That the transcript is a true
and accurate transcription of my stenographic notes,
using Computer Aided Transcription, to the best of
my ability.

IN WITNESS WHEREOF, I have hereunto set my had
this 9th day of June, 2022.

Deirdre Smith

Deirdre M. Smith